

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

Achaogen, Inc.

Debtors.

Chapter 11

Case No. 19-10844 (BLS)

Edward E. Neiger, not individually but as Plan  
Trustee of the Achaogen Plan Trust,

Plaintiff,

v.

Cipla USA, Inc.

Defendant.

Adv. Proc. No. 21-50479 (BLS)

**STIPULATION FOR EXTENSION OF TIME FOR DEFENDANT TO REPLY TO  
PLAINTIFF'S RESPONSE TO PARTIAL MOTION TO DISMISS COMPLAINT**

Defendant Cipla USA, Inc. (the “Defendant”) and Edward E. Neiger, not individually, but as Plan Trustee of the Achaogen Plan Trust (the “Plaintiff” and, together with Defendant, the “Parties”) through their respective counsel, enter into this *Stipulation for Extension of Time for Defendant to Reply to Plaintiff's Response to Partial Motion to Dismiss Complaint* (the “Stipulation”) and hereby stipulate and agree as follows:

1. On May 27, 2021, the Plaintiff commenced the above-captioned adversary proceeding by filing a complaint against the Defendant [Adv. Pro. No. 1]. The summons was issued on May 27, 2021 [Adv. Pro. No. 4].

2. On August 6, 2021, the Defendant timely filed the *Defendant's Motion to Dismiss Counts I, IV, VI, VIII, IX and X* (the “Motion to Dismiss”) [Adv. Pro. No. 9].

3. Pursuant to the Local Rule 7007-1(ii), the initial deadline for the Plaintiff to file a response to the Motion to Dismiss was August 20, 2021.

4. On August 16, 2021, the Parties filed the *Stipulation for Extension of Time for Plaintiff to Respond to the Motion to Dismiss* [Adv. Pro. No. 11] extending the deadline to September 10, 2021.

5. On September 10, 2021, the Plaintiff timely filed the *Plaintiff's Response in Opposition to Partial Motion to Dismiss Complaint* (the "Response") [Adv. Pro. No. 18] and *Plaintiff's Memorandum of Law in Opposition to Partial Motion to Dismiss Complaint* [Adv. Pro. No. 19].

6. Pursuant to Local Rule 7007-1(ii), the initial deadline for the Defendant to file a reply to the Response was September 17, 2021.

7. Pursuant to Local Rule 7012-2, the Parties agree and stipulate that the time within which the Defendant may reply to the Response is hereby extended two weeks to and including October 1, 2021.

Dated: September 16, 2021

**COLE SCHOTZ, P.C.**

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Dated: September 16, 2021

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